

REMARKS

Claims 1-64 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-3, 5-7, 11-15, 18, 22, 25-27, 29-31, 35-40, 43, 45-47, 49-51, 55-60 and 63 under 35 U.S.C. § 102(e) as being anticipated by Davis et al. (U.S. Patent 6,105,064) (hereinafter "Davis"). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 1, Davis fails to disclose a plurality of peer nodes configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment. Davis teaches a method for dynamically window sizing and dynamic packet metering during communications between endnodes in a packet-switched computer network. Davis teaches that the rate at which packets are transmitted is regularly adjusted in response to changes in the propagation rate of packets through the network. (Davis, Abstract and column 6, lines 21-54).

The Examiner cites column 8, lines 21-24 of Davis. However, the cited passage does not describe *peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment*. Instead, the cited passage only mentions that a computer may function in a peer-to-peer network. **Davis does not describe the particular peer-to-peer platform protocols recited in claim 1.** For example, nowhere does Davis describe any peer-to-peer platform protocols for enabling peers to discover each other. Davis is not concerned with peer discovery. Instead, Davis is concerned with dynamically adjusting

the propagation rate of packets between sending and receiving nodes. Davis does not mention anything about endnodes discovering each other nor about any peer-to-peer platform protocols that enable Davis's endnodes to discover each other. Instead, Davis teaches the use of protocols such as TCP, UDP, SPX, IP, IPX and ATM, none of which enable peer nodes to discover each other. **The concept of discovery is well understood in the art of network computing. None of the protocols discussed in Davis are for peer nodes to discover one another.** Thus, Davis clearly cannot be said to anticipate claim 1.

In the Response to Arguments, the Examiner cites column 8, lines 21-23; column 9, lines 5-8 and 23-25; and column 10, lines 4 –8 of Davis. At the cited sections, Davis teaches that a channel may be established between a service on one endnode and a corresponding service on another endnode. Specifically, Davis teaches that one endnode will register itself as a service and a second application on the same or on another endnode asks to connect to that name and service type. The Examiner argues, “[s]ince the endnodes setup and establish [a] communication session for peer-to-peer network with each other, the endnodes are enabled to discover each other.” Applicants respectfully disagree. The mere fact that a channel may be established between two endnodes does not disclose or imply that the two nodes are “enabled to discover each other”. As is well known in the art, two computer systems (e.g. endnodes) may communicate without discovering each other via peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other. **Furthermore, claim 1 does not recite merely that the nodes are enabled to discover each other. Instead, claim 1 recites particular peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment. Davis does not describe such a set of protocols.**

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical** invention must

be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Davis fails to disclose that the plurality of peer nodes is configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment. Therefore, Davis cannot be said to anticipate claim 1.

Thus, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 45.

Section 103(a) Rejections:

The Examiner rejected claims 4, 8-10, 28, 32-34, 48 and 52-54 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Barker et al. (U.S. Patent 5,931,916) (hereinafter “Barker”), claims 16 and 17 as being unpatentable over Davis in view of Ivanoff (U.S. Patent 5,517,622), claim 21 as being unpatentable over Davis in view of “Official Notice”, and claims 23, 24, 44 and 64 as being unpatentable over Davis in view of Zhu et al. (U.S. Patent 5,768,557) (hereinafter “Zhu”). Applicants respectfully traverse these rejections for at least the reasons presented above regarding their respective independent claims.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07400/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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